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Appl. No. 10/036,605
Amdt. dated January 8, 2007
Reply to Office Action of September 8, 2006

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Remarks

The present amendment responds to the Official Action dated September 8, 2006. The Official Action rejected claims 1-29 under 35 U.S.C. 102(a) as anticipated by based on Cadigan U.S. Publication No. 2004/0093242 ("Cadigan"). This ground of rejection is addressed below following a brief discussion of the present invention to provide context. Claims 1, 11, 14, 24, and 27 have been amended to be more clear and distinct. Claims 1-29 are presently pending.

The Present Invention

The present invention provides for direct submission by a mortgage servicer of a mortgage insurance claim to a mortgage insurer. A mortgage servicer is a party responsible for performing administrative services relating to a mortgage loan, including submission of a mortgage insurance claim for a mortgage loan protected by mortgage insurance in order to fully or partially compensate for losses caused by default on the mortgage loan by a borrower. A servicer uses a servicer terminal to submit claims data to an insurer. The data is received by a central server and a claims database and a rulebase maintained by the central server are used to perform an automatic audit and adjustment of the claim. The results of the audit and adjustment are provided to the servicer using the servicer terminal.

The Art Rejections

All of the art rejections are based on Cadigan, standing alone. As addressed in greater detail below Cadigan does not support the Official Action's reading of it and the rejections based

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thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Cadigan made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections. In addition, the Applicants do not admit that Cadigan is prior art, but instead of attempting to swear behind it, the Applicants choose at this time to distinguish it.

The Official Action rejected claims 1-29 under 35 U.S.C. 102(b) as anticipated by Cadigan. In light of the present amendments to claims 1, 11, 14, 24, and 27, this ground of rejection is respectfully traversed.

Claim 1, as amended, reads as follows:

1. A system for automatically processing mortgage insurance claims, comprising;
a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal capturing data from a servicer submitting a mortgage insurance claim, the data being related to an insured mortgage loan after default on the mortgage loan by a borrower;
a claims database connected into the network, containing data relating to the mortgage insurance claim;
a claim audit rulebase connected into the network, for automatically performing an audit and adjustments of the submitted mortgage insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues.

These limitations in the claimed combination are not taught and are not made obvious by Cadigan. Cadigan teaches a system for management of claims for long term care, and provides facilities for the collection and processing of such claims. In a scenario contemplated by Cadigan, payments are typically to be made periodically, based on entitlement to benefits for the period, typically based on factors such as degree of disablement and expenses incurred. Cadigan does not address any aspect of mortgage insurance and does not involve the participation of a

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mortgage insurance servicer, as is claimed by claim 1. In addition, Cadigan nowhere addresses the capture of data related to an insured mortgage loan after default on the loan by a borrower.

Cadigan teaches systems and techniques providing various functions and tools related to assessing eligibility for long term care and the care received by a patient and making appropriate payments for such care. Cadigan identifies applicable coverage, examines coverage limits, evaluates the degree of disability of a covered party, evaluates other sources of coverage such as Medicaid, and other factors indicating eligibility for coverage, and performs numerous other functions directed toward payments associated with long term care.

The present invention, by contrast deals with mortgage insurance claims and submission of data relating to an insured mortgage after default by a borrower. See, for example, specification, p. 14, line 7-p. 17, line 7, which details examples for submission of data relating to a mortgage loan, such as identification of the loan and borrower, property securing the loan, and various expenses incurred as a result of default. Cadigan does not teach and does not make obvious the collection of any such data. Cadigan is not concerned with mortgage insurance, but is instead concerned with an entirely different line of insurance involving different data and different techniques for analysis of that data. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Similarly, claims 11, 14, 24, and 27 include elements relating to the receiving of data relating to an insured mortgage loan after default on the loan by a borrower. Claims 11, 14, 24, and 27 therefore define over the cited art and should be allowed.

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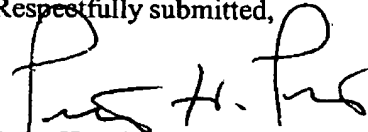
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New claims 30-32 are supported by Figs. 10A-10E and by the Specification at p. 14, line 7-p. 17, line 7. New claims 30-32 are dependent claims having claim 1 as a base claim. Because claim 1 has been shown to be allowable, new claims 30-32 should also be allowed.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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